

Serial No.: 09/889,230

REMARKS

Claims 1-4 as amended, remain herein.

Applicant respectfully requests the Examiner to provide an initialed copy of PTO Form 1449 indicating receipt and consideration of references accompanying an Information Disclosure Statement filed February 26, 2003.

1. Objections were stated to the drawings for allegedly not illustrating all of the claim elements and for showing prior art. Submitted herewith is a copy of Figure 2 revised to replace reference numeral 4 (amplifier) with 12. Also submitted herewith are copies of Figures 2 and 3 revised to include a label reading "Prior Art." Withdrawal of the objections to the drawings is respectfully requested.

2. Objections were stated to the specification. The specification at page 1, line 23, has been edited to correct a typographical error. The specification also has been amended to remove references to the claims.

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3. Claims 1 and 2 were rejected under 35 U.S.C. §102(b) over Okano U.S. Patent 5,161,142, and claims 3 and 4 were rejected under 35 U.S.C. §103(a) over Okano '142.

The presently claimed reproducing device comprises CAV means for controlling a spindle motor from start of spin-up processing of the disk-shaped recording medium to a read standby state. This arrangement and corresponding method are nowhere disclosed or suggested in the cited reference.

The Office Action cites Okano '142 as allegedly disclosing a device for reproducing (i.e., playing) a recording by controlling the disk with constant angular velocity from start of spinning to a read standby state (applicant's claim 1), and during a control process when the disk rotates at low speed (applicant's claim 2). Actually, Okano '142 is directed to a reproducing device wherein CAV control is applied after spin-up processing has been completed and the drive operation is operating in a stable state, which relates to a playing data (e.g. music) recorded on the disk. Okano '142, column 3, lines 25-35 and generally throughout the reference, discloses that performing CAV control requires clock components extracted from a signal (RF signal) recorded

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on the disk. For this to be possible, the disk must already be completely spun-up, i.e., the spin-up operation must be complete and the drive functioning in a stable state.

Accordingly, because CAV control is applied only after a stable state is reached, Okano '142 does not disclose means for controlling a spindle motor by CAV control of the spindle motor from start of spin-up processing of the disk-shaped recording medium to a read standby state, as recited in claims 1 and 3.

For the foregoing reasons, Okano '142 fails to disclose all elements of applicant's claimed invention, and therefore is not a proper basis for rejection under §102. And, there is no disclosure or teaching in Okano '142 that would have suggested the desirability of modifying any portions thereof effectively to anticipate or suggest applicant's presently claimed invention. Claim 2, which depends from claim 1, is allowable for the same reasons described herein for claim 1, and claim 4, which depends from claim 3, is allowable for the same reasons described herein for claim 3. Accordingly, reconsideration and withdrawal of this rejection are respectfully requested.

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All claims 1-4 are now proper in form and patentably distinguished over all grounds of rejection cited in the Office Action. Accordingly, allowance of all claims 1-4 is respectfully requested.

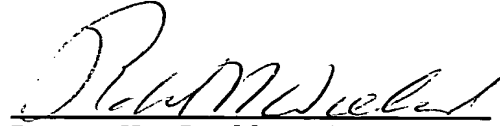
Should the Examiner deem that any further action by the applicant would be desirable to place this application in even better condition for issue, the Examiner is requested to telephone applicant's undersigned representatives.

Respectfully submitted,

PARKHURST & WENDEL, L.L.P.

December 16, 2003
Date

RWP:RNW/mhs


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Attachments: 2 annotated sheets showing changes
Figs. 2 and 3
2 replacement sheets Figs. 2 and 3

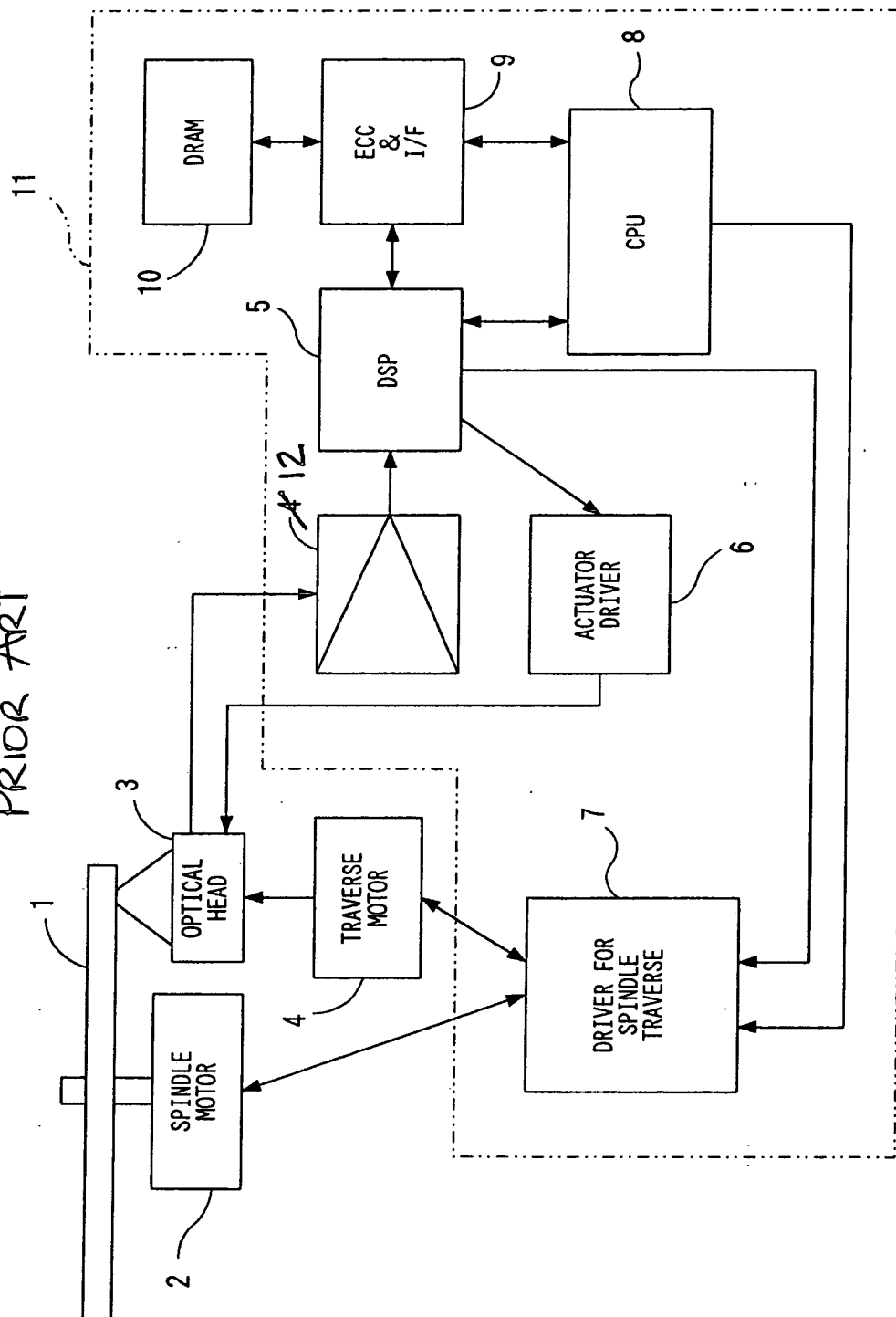
Attorney Docket No.: YMOR:214

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FIG. 2
PRIOR ART





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FIG. 3
PRIOR ART

